

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ABELARDO BARRERA URQUIZO,

Petitioner,
VS.

NATHANIEL QUARTERMAN,

Respondent.

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CIVIL ACTION NO. C-08-46

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DENY PETITIONER'S MOTION
MOTION FOR A DEFAULT JUDGMENT OR EVIDENTIARY HEARING**


On April 14, 2008, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that petitioner's motion for default judgment (D.E. 13) be denied and that petitioner is not entitled to an evidentiary hearing. See 28 U.S.C. § 2254(e)(2). On May 8, 2008, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that petitioner's motion for default judgment (D.E. 13) is denied. Petitioner is not entitled to an evidentiary hearing.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 8th day of May, 2008.



Janis Graham Jack
United States District Judge